

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

BRIAN BENJAMIN,

Defendant.

NOLLE PROSEQUI

S2 21 Cr. 706 (JPO)

1. The filing of this *nolle prosequi* will dispose of the charges filed against defendant BRIAN BENJAMIN.

2. On April 11, 2022, BENJAMIN was charged in a five-count Superseding Indictment, S2 21 Cr. 706 (JPO) (the “Indictment”), with violations of 18 U.S.C. §§ 371 (conspiracy to commit bribery and honest services wire fraud), 666(a)(1)(B) (bribery), 1343 and 1346 (honest services wire fraud), 1519 (falsification of records), and 2 (aiding and abetting).

3. Based on a review of the evidence in the case, and in light of the death of cooperating witness and co-defendant Gerald Migdol (*see* Dkt. 114), the Government has determined that it can no longer prove, beyond a reasonable doubt, the charges in the Indictment.

4. In light of the foregoing, we recommend that an order of *nolle prosequi* be filed as to defendant BRIAN BENJAMIN.

Dated: New York, New York
January 17, 2025

/s/
Celia V. Cohen / Derek Wikstrom
Assistant United States Attorneys
(914) 993-1921 / (212) 637-1085

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of *nolle prosequi* be filed as to defendant BRIAN BENJAMIN with respect to Indictment S2 21 Cr. 706 (JPO).

Edward Y. Kim
EDWARD Y. KIM
Acting United States Attorney
Southern District of New York

Dated: New York, New York
January 17, 2025

SO ORDERED:

Honorable J. Paul Oetken
United States District Judge
Southern District of New York

Dated: New York, New York
_____, 2025